REMARKS

Claims 1-20 were pending in this application. Claims 1-20 are canceled without prejudice to pursuing these claims in this or other continuing applications. New Claims 21-40 are added by this Preliminary Amendment.

The specification has been amended to reflect the priority application information. This amendment is responsive to the Office Action dated September 8, 2000 in the parent U.S. patent application Serial No. 09/315,689, in which the Examiner issued a Restriction Requirement requiring restriction between Claims 1-8 and 15-20 drawn to the protein (Group I) and Claims 9-14 drawn to nucleic acid molecule (Group II). Applicants elected Claims 1-8 and 15-20 in the parent application and reserved the right to prosecute the invention of Group II *(i.e.*, Claims 9-14) in this or other continuing applications.

Support for new Claims 21-40 can be found in original Claims 9-14, and the specification as filed. In particular, support for new Claims 21 and 37 directed to nucleic acid molecules encoding endostatin and endostatin peptide fragments can be found, *inter alia*, on page 5, lines 3-6, page 13, lines 24-28, page 17, lines 21-29, of the specification, respectively.

Support for new Claims 22-24, 30 and 33 directed to endostatin nucleotide sequence of SEQ ID NO. 4 or 6, and endostatin protein or peptide fragments having SEQ ID NO. 1, 2, 3, or 5, or substantially homologous sequences can be found, *inter alia*, on page 3, lines 24-33, SEQ ID NOs. 1-6, Figure 5, and pages 12-15 of the specification, respectively.

Support for new Claims 31-32, and 34-36 directed to vectors and host cells containing an endostatin nucleic acid molecule, the pharmaceutical composition and mode of administration of the pharmaceutical composition of the invention can be found, *inter alia*, on page 22, lines 20-35,

page 25, lines 20-25, Example 5, pages 41-44, and pages 53-55 of the specification, respectively.

Support for new Claims 26-29 and 38-40 directed endostatin derived from the C-terminal non-collagenous region of a non-fibrillar collagen molecule, and binding of endostatin to a heparin affinity column can be found, *inter alia*, in original claims, the specification on page 41, lines 1-10, and in Example 5, respectively.

The preliminary amendment does not constitute new matter as defined under 35 U.S.C. § 132. Applicants respectfully request entry of the preliminary amendment prior to the substantive examination of this application.

CONCLUSION

The examiner is invited and encouraged to contact the undersigned attorney if such contact will facilitate an efficient examination and allowance of the application.

Respectfully submitted,

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EXHIBIT A

A marked up version of the specification showing changes made.

This application is a divisional application of U.S. Patent Application Serial No. 09/315,689 filed May 20, 1999, now U.S. Patent No. 6,346,510, which claims priority to provisional application 60/106,343 filed October 30, 1998, and is a continuation-in-part of U.S. Patent Application Serial No. 09/154,302 filed September 16, 1998, which is a divisional of U.S. Patent Application Serial No. 08/740,168 filed October 22, 1996, now U.S. Patent No. 5,854,205, which claims priority to provisional application Serial No. 60/005,835 filed October 23, 1995[;], provisional application Serial No. 60/023,070 filed August 2, 1996[;], and provisional application Serial No. 60/026,263 filed September 17, 1996. Each of the above-referenced-applications is incorporated herein by reference in its entirety.

Statement Regarding Federally sponsored Research and Development

This invention may have been made in part by funds from NIH grants RO1-CA64481 and PO1-CA45548. The U.S. government may have certain rights in this invention.